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7 UNITED STATES DISTRICT COURT  
8 FOR THE WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

9 RANDY RUSH,

10 Plaintiff,

11 v.

12 THE BOEING COMPANY, a Delaware  
13 corporation,

14 Defendant.

Case No.

**NOTICE OF REMOVAL**

(DIVERSITY OF CITIZENSHIP AND  
SUPPLEMENTAL JURISDICTION)

15 TO THE CLERK OF THE ABOVE-ENTITLED COURT

16 AND TO PLAINTIFF RANDY RUSH AND HIS COUNSEL OF RECORD

17 PLEASE TAKE NOTICE that Defendant The Boeing Company (hereinafter referred to  
18 as "Defendant"), hereby effects the removal of the state action described herein from the  
19 Superior Court of the State of Washington in and for the County of Pierce, to the United States  
20 District Court for the Western District of Washington at Tacoma. This removal is based upon  
21 diversity of citizenship, in accord with 28 U.S.C. §§ 1332(a) and 1441(b), due to diversity of  
22 citizenship between the parties, and is timely, in accord with 28 U.S.C. § 1446.

23 In support of its Notice of Removal of Civil Action, Defendant provides the information  
24 below:  
25  
26

**NOTICE OF REMOVAL - 1**

LITTLER MENDELSON, P.C.  
One Union Square  
600 University Street, Suite 3200  
Seattle, WA 98101.3122  
206.623.3300

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## JURISDICTION AND VENUE

This Court has jurisdiction over this civil action pursuant to 28 U.S.C. § 1332(a) and this action is one that may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441(b). The Boeing Company is the sole Defendant, and consents to removal. As set forth below, this case meets all of the requirements for removal and is timely and properly removed by the filing of this Notice.

## PLEADINGS

On June 11, 2010, Plaintiff initiated a civil action in the Pierce County Superior Court. On July 27, 2010, Plaintiff served Defendant with the Summons and Complaint, entitled *Randy Rush v. The Boeing Company*, Case No. 10-2-10181-6. A true copy of the Case Cover Sheet/Civil Cases is attached hereto as Exhibit 1; a true copy of the Track Assignment Request is attached hereto as Exhibit 2; a true copy of the Complaint is attached hereto as Exhibit 3; a true copy of the Summons is attached hereto as Exhibit 4, a true copy of the Order Setting Original Case Schedule is attached as Exhibit 5, a true copy of Defendant's Notice of Appearance is attached hereto as Exhibit 6, a true copy of the Notice of Unavailability (Plaintiff's counsel) is attached hereto as Exhibit 7, a true copy of the Declaration of Service is attached hereto as Exhibit 8, and a true copy of the Confirmation of Service is attached hereto as Exhibit 9. By signing this Notice of Removal, counsel for Defendant verifies that the items attached hereto are true and complete copies of all the records and proceedings in the state court proceeding.

## DIVERSITY OF CITIZENSHIP

The Defendant identified in the Complaint is The Boeing Company. At the time this action was commenced, Defendant was organized and incorporated under the laws of the State of Delaware, and its headquarters and principal place of business was in the State of Illinois. See *Hertz Corp. v. Friend*, 559 U. S. \_\_, \_\_ (2010). Defendant was not a citizen of the State of Washington at the time this action was commenced.

1 Upon information and belief, at the time this action was commenced, Plaintiff was a  
2 citizen of the State of Washington. *See* Complaint, ¶I.

3 This action is a civil action of which this Court has original jurisdiction under 28 U.S.C.  
4 § 1332(a), and is one which may be removed to this Court pursuant to the provisions of 28  
5 U.S.C. § 1441(b), in that it is a civil action between citizens of different states and the matter in  
6 controversy exceeds the sum of \$75,000, exclusive of interests and costs.

7 The amount in controversy exceeds \$75,000 based on the following allegations set forth  
8 in the Complaint: (1) Plaintiff's allegation that he is entitled to damages related to "loss of pay  
9 and benefits, emotional distress, and all damages permitted pursuant to Washington law," *see*  
10 Complaint, ¶XVI, and (2) Plaintiff's allegation that he is entitled to attorneys fees, *see*  
11 Complaint, ¶3 of Prayer for Relief.

#### 12 SUPPLEMENTAL JURISDICTION

13 This Court has supplemental jurisdiction over any remaining state law claims in  
14 accordance with 28 U.S.C. § 1367 and jurisdiction over any separate and independent claims as  
15 provided in 28 U.S.C. § 1441(c).

#### 16 PROCESS AND VENUE

17 Plaintiff served Defendant with a copy of the Summons and Complaint on or about  
18 July 28, 2010. This Notice of Removal is timely as it is made within 30 days of receipt of a copy  
19 of the pleading, motion, order or other paper from which it may first be ascertained that the case  
20 is one which is or has become removable. 28 U.S.C. § 1446(b).

21 Venue is proper in the Western District of Washington at Tacoma. Venue is proper in  
22 this District because this is the district court of the United States for the district encompassing the  
23 place where this action is currently pending. 28 U.S.C. § 1441(a). Venue is proper at Tacoma  
24 because the cause of action arose in Pierce County. Local Rule 5(e)(1).

1 Written notice of the filing of this notice of removal has been given to all parties who  
2 have appeared in this action and a copy of the notice of removal has been filed with the Clerk of  
3 Court of the Superior Court of the State of Washington, in and for the County of Pierce.

4 WHEREFORE, Defendant The Boeing Company, respectfully requests that this action,  
5 now pending in the Pierce County Superior Court, state of Washington, be removed to the  
6 United States District Court for the Western District of Washington at Tacoma.

7  
8 August 16, 2010

*s/ James G. Zissler*

James G. Zissler, WSBA #30287

[jzissler@littler.com](mailto:jzissler@littler.com)

Ryan P. Hammond, WSBA #38888

[rhammond@littler.com](mailto:rhammond@littler.com)

LITTLER MENDELSON, P.C.

One Union Square

600 University Street, Suite 3200

Seattle, WA 98101.3122

Phone: 206.623.3300

Fax: 206.447.6965

Attorneys for Defendant  
The Boeing Company

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on August 14, 2010, I electronically filed the foregoing with the Clerk of the  
3 Court using the CM/ECF system which will send notification of such filing to the following:

4 **Dan M. Albertson**  
5 **Attorney at Law**  
6 **711 Court A, Suite 200**  
7 **Tacoma, WA 98402**

8 and I hereby certify that I have mailed by United States Postal Service the document to the  
9 following non CM/ECF participants:

10 **N/A**

11 Dated: August 16, 2010

12 s/ Anna M. Robertson  
13 Anna M. Robertson  
14 arobertson@littler.com

15 **LITTLER MENDELSON, P.C.**

## EXHIBIT 1



10-2-10181-6 34477238 CICS 06-14-10

# SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

## CASE COVER SHEET / CIVIL CASES

Case Title Randy Rush v. Boeing Co. Case Number 10 2 10181 6  
 Atty/Litigant Dan M. Albertson Bar # 10962 Phone (253) 475 7000  
 Address 711 Court A, Suite 200  
 City TACOMA State WA Zip 98402

Please check one category that best describes this case for indexing purposes.

Presumed tracks are listed next to the cause codes. (Non PCLR indicates no Track Assignment Request is required.)

If you cannot determine the appropriate category, please describe the cause of action below. This will create a Miscellaneous cause which is not subject to PCLR 1, and does not require a Track Assignment Request Form.

### APPEAL / REVIEW

- ☐ Administrative Law Review (ALR 2) *Non PCLR*
- ☐ Civil, Non-Traffic (LCA 2) *Non PCLR*
- ☐ Civil, Traffic (LCI 2) *Non PCLR*
- ☐ Civil, Traffic (LCI 2) *Non PCLR*
- ☐ Land Use Petition (LUP 2) *LUPA*

### CONTRACT / COMMERCIAL

- ☐ Breach of Contract (COM 2) *EXPEDITED*
- ☐ Commercial Non-Contract (COM 2) *EXPEDITED*
- ☐ Third Party Collection (COL 2) *EXPEDITED*

### JUDGMENT

- ☐ Abstract Only (ABJ 2) *Non PCLR*
- ☐ Foreign Judgment Civil (FJU 2) *Non PCLR*
- ☐ Judgment, Another County (ABJ 2) *Non PCLR*
- ☐ Judgment, Another State (FJU 2) *Non PCLR*
- ☐ Transcript of Judgment (TRJ 2) *Non PCLR*

### TORT / MOTOR VEHICLE

- ☐ Death (TMV 2) *STANDARD*
- ☐ Non-Death Injuries (TMV 2) *STANDARD*
- ☐ Property Damage Only (TMV 2) *STANDARD*

### TORT / NON MOTOR VEHICLE

- ☐ Other Malpractice (MAL 2) *COMPLEX*
- ☐ Other Tort (TTO 2) *COMPLEX*
- ☐ Personal Injury (PIN 2) *STANDARD*
- ☐ Products Liability (PIN 2) *STANDARD*
- ☐ Property Damage (PRP 2) *STANDARD*
- ☐ Wrongful Death (WDE 2) *STANDARD*

### PROPERTY RIGHTS

- ☐ Condemnation (CON 2) *STANDARD*
- ☐ Foreclosure (FOR 2) *STANDARD*
- ☐ Property Fairness (PFA 2) *STANDARD*
- ☐ Quiet Title (QTI 2) *STANDARD*
- ☐ Unlawful Detainer / Eviction (UND 2) *Non PCLR*
- ☐ Unlawful Detainer / Contested (UND 2) *Non PCLR*
- ☐ Land Use Petition (LUP 2) *LUPA*

### OTHER COMPLAINT OR PETITION

- ☐ Compel/Confirm Bind Arbitration (MSC 2) *Non PCLR*
- ☐ Deposit of Surplus Funds (MSC 2) *Non PCLR*
- ☐ Injunction (INJ 2) *Non PCLR*
- ☐ Interpleader (MSC 2) *Non PCLR*
- ☐ Malicious Harassment (MHA 2) *Non PCLR*
- ☐ Meretricious Relationship (MER 2) *Non PCLR*
- ☐ Minor Settlement/No Guardianship (MST2) *Non PCLR*
- ☐ Pet for Civil Commit/Sex Predator (PCC2) *Non PCLR*
- ☐ Seizure of Property/Comm. of Crime (SPC2) *Non PCLR*
- ☐ Seizure of Property Result from Crime (SPR2) *Non PCLR*
- ☐ Subpoenas (MSC 2) *Non PCLR*

### TORT / MEDICAL MALPRACTICE

- ☐ Hospital (MED 2) *COMPLEX*
- ☐ Medical Doctor (MED 2) *COMPLEX*
- ☐ Other Health Care Professional (MED2) *COMPLEX*

### WRIT

- ☐ Habeas Corpus (WHC 2) *Non PCLR*
- ☐ Mandamus (WRM 2) *Non PCLR*
- ☐ Review (WRV 2) *Non PCLR*
- ☐ Miscellaneous Writ (WMW 2) *Non PCLR*

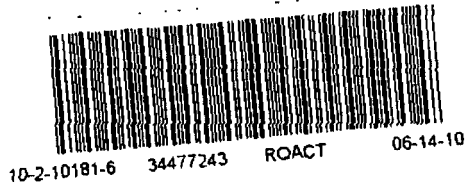
MISCELLANEOUS EMPLOYMENT DISCRIMINATION

ORIGINAL

Exhibit 1  
 Page 1 of 1

## EXHIBIT 2





FILED  
IN COUNTY CLERK'S OFFICE  
A.M. JUN 11 2010 P.M.  
PIERCE COUNTY, WASHINGTON  
BY KEVIN STOCK, County Clerk  
DEPUTY

## PIERCE COUNTY SUPERIOR COURT, STATE OF WASHINGTON

Randy Rosh

Plaintiff(s).

vs.

The Boeing Company

Defendant(s).

10 2 10181 6

Case No.

TRACK ASSIGNMENT REQUEST

NAME Dan Matthew AlbertsonPHONE (253) 475-2000FAX 253-627-2340ADDRESS 711 Court A Ste 200Tacoma WA 98402-5228JURY DEMAND ANTICIPATED ☒ YES ☐ NOCONSOLIDATION ANTICIPATED ☐ YES ☒ NOESTIMATED LENGTH OF TRIAL 5 DAYS

TRACK ASSIGNMENT REQUESTED: SEE PCLR (g)(2)through(6)

EXPEDITED ☐ STANDARD ☒ COMPLEX ☐DISSOLUTION ☐ LUPA (Land Use Petition) ☐

TRACK REQUESTS THAT DEVIATE FROM THE PRESUMED TRACK (SEE PCLR1) MUST  
BE EXPLAINED ON THE SPACE PROVIDED BELOW, OR WILL BE REJECTED BY CLERK.

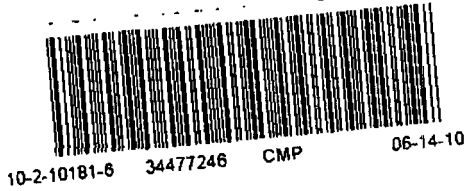
I HEREBY CERTIFY THAT I HAVE CONSIDERED THE GENERAL GUIDELINES FOR TRACK  
ASSIGNMENT AS CONTAINED HEREIN AND CERTIFY THAT MY REQUESTED TRACK IS IN  
COMPLIANCE THEREWITH.

DATED: JUN 10, 2010SIGNED: [Signature]

WSB#: 10962

ORIGINAL

## EXHIBIT 3



FILED  
IN COUNTY CLERK'S OFFICE

A.M. JUN 11 2010 P.M.

PIERCE COUNTY, WASHINGTON  
KEVIN STOCK, County Clerk  
BY                      DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF PIERCE

RANDY RUSH,

Plaintiff,

vs.

THE BOEING COMPANY,  
a Delaware corporation,

Defendant.

NO.: 10 2 10181 6

**PLAINTIFF'S COMPLAINT  
FOR DAMAGES**

COMES NOW the Plaintiff, RANDY RUSH, by and through the undersigned attorney, and alleges as follows:

I.

Plaintiff RANDY RUSH is and was, at all times material hereto, a resident of King County, Washington.

II.

Defendant THE BOEING COMPANY, is a Delaware corporation licensed to do business and doing business in Pierce County, Washington.

III.

In 2001, Plaintiff RANDY RUSH became an employee of Defendant THE BOEING COMPANY and in June, 2006, Plaintiff RANDY RUSH

COMPLAINT FOR DAMAGES - 1

ORIGINAL

Dan M. Albertson  
Attorney at Law  
711 Court A, Suite 200  
Tacoma, Washington 98402  
(253) 475-2000

Exhibit

Page 1 of 4

1 sustained a severe traumatic brain injury as a result of motor  
2 vehicle accident.

3 IV.

4 Defendant was aware of Plaintiff's injury and, upon his return  
5 to work, in June, 2007, provided accommodations to enable Plaintiff  
6 to continue to work for Defendant.

7 V.

8 Although it required a great deal of effort on the part of  
9 Plaintiff, he was able to perform his job with Defendant and  
10 received a good mid-year performance review in 2008.

11 VI.

12 In late October, 2008, Plaintiff advised his supervisor, Randy  
13 Sinn, that he believed that there was noncompliance in one aspect  
14 of the 787 Quality Management Systems program.

15 VII.

16 Immediately thereafter, Plaintiff's supervisor Randy Sinn sent  
17 an e-mail to Plaintiff rescinding his workplace accommodations.

18 VIII.

19 The Plaintiff's workplace accommodations were temporarily kept  
20 in place due to Plaintiff's objection to his supervisor's removal  
21 of the accommodations.

22 IX.

23 In December, 2008, Plaintiff's supervisor Randy Sinn gave  
24 Plaintiff a negative year-end review, making it likely that  
25 Plaintiff would lose his employment with Defendant.

1. X.

2 On or about February 16, 2009, Plaintiff's supervisor Randy  
3 Sinn, knowing of the Plaintiff's need for accommodations, sent  
4 Plaintiff an e-mail, again removing Plaintiff's workplace  
5 accommodations on the ostensible basis that formal paperwork for  
6 accommodations had not been completed.

7 XI.

8 At all times, Plaintiff's supervisor Randy Sinn was aware of  
9 Plaintiff's need for accommodations.

10 XII.

11 Plaintiff received notice that he was being laid off from his  
12 employment with Defendant on or about March 20, 2009.

13 XIII.

14 Defendant THE BOEING COMPANY is liable for all actions on the  
15 part of Randy Sinn as described herein.

16 XIV.

17 The conduct on the part of Defendant THE BOEING COMPANY, as  
18 described herein, constitutes disability discrimination in  
19 violation of RCW 49.60.

20 XV.

21 The conduct on the part of Defendant THE BOEING COMPANY, as  
22 described herein, constitutes retaliation in violation of public  
23 policy.

24 XVI.

25 As a result of the Defendant's tortious conduct, including  
26 wrongful discharge in violation of RCW 49.60 and the intentional

27 COMPLAINT FOR DAMAGES - 3

Dan M. Albertson  
Attorney at Law  
711 Court A, Suite 200  
Tacoma, Washington 98402  
(253) 475-2000

1 infliction of emotional distress, failure to accommodate, and such  
2 other tortious acts as shall be shown at the time of trial,  
3 Plaintiff RANDY RUSH has incurred damages including, but not  
4 limited to, loss of pay and benefits, emotional distress, and all  
5 damages permitted pursuant to Washington law.

6 WHEREFORE, Plaintiff RANDY RUSH prays for the following  
7 relief:

8 1. For Plaintiff's damages for disability discrimination and  
9 wrongful discharge in violation of RCW 49.60, intentional  
10 infliction of emotional distress, failure to accommodate,  
11 retaliation in violation of public policy and such other tortious  
12 conduct as committed by Defendant as shall be shown at the time of  
13 trial;

14 2. For all damages allowable by law for unpaid wages;

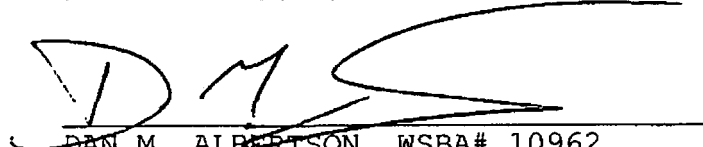
15 3. For Plaintiff's attorney's fees and costs incurred herein  
16 pursuant to RCW 49.60, case law and all applicable statutes;

17 4. All other damages allowable by law; and

18 5. For such other and further relief as the Court deems just  
19 and equitable.

20 DATED this 10<sup>th</sup> day of June, 2010.

21 ALBERTSON LAW OFFICES

22   
23 DAN M. ALBERTSON, WSBA# 10962  
24 Attorney for Plaintiff

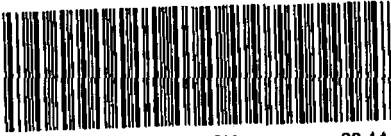
25 COMPLAINT FOR DAMAGES - 4

26 Dan M. Albertson  
27 Attorney at Law  
711 Court A, Suite 200  
Tacoma, Washington 98402  
(253) 475-2000

Exhibit

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Page 4 of 4

EXHIBIT 4



10-2-10181-6 34477245 SM 06-14-10

FILED  
IN COUNTY CLERK'S OFFICE

A.M. JUN 11 2010 P.M.

PIERCE COUNTY, WASHINGTON  
KEVIN STOCK, County Clerk  
BY ✓ DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF PIERCE

RANDY RUSH,

Plaintiff,

vs.

THE BOEING COMPANY,  
a Delaware corporation,

Defendant.

NO.: 10 2 10181 6

SUMMONS ON COMPLAINT

TO THE ABOVE-NAMED DEFENDANTS:

A lawsuit has been started against you in the above-entitled Court by the above-named Plaintiff. Plaintiff's claims are stated in the written Complaint, a copy of which is served upon you with this Summons.

In order to defend against this lawsuit, you must respond to the Complaint by stating your defense in writing, and serve a copy upon the undersigned attorney for the Plaintiff within twenty (20) days after the service of this Summons, or sixty (60) days if out of state, excluding the day of service, or a Default Judgment may be entered against you without notice. A Default Judgment is one where Plaintiff is entitled to what he asks for because you have not responded. If you serve a Notice of Appearance on the undersigned attorney, you are entitled to notice before a Default Judgment may be entered.

You may demand that the Plaintiff file this lawsuit with the court. If you do so, the demand must be in writing and must be served upon the person signing this Summons. Within 14 days after you serve the demand, the Plaintiff must file this lawsuit with the court, or the service on you of this summons and complaint will be

SUMMONS ON COMPLAINT - 1

ORIGINAL

Dan M. Albertson  
Attorney at Law  
711 Court A, Suite 200  
Tacoma, Washington 98402  
(253) 475-2000

Exhibit

Page 1

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of 7



1 void.

2 If you wish to seek the advice of an attorney in this matter,  
3 you should do so promptly so that your written response, if any,  
4 may be served on time.

5 This Summons is issued pursuant to Rule 4 of the Superior  
6 Court Rules of Civil Procedure of the State of Washington.

7 DATED this 10<sup>th</sup> day of June, 2010.

8 ALBERTSON LAW OFFICES

9   
10 DAN M. ALBERTSON, WSBA# 10962  
11 Attorney for Plaintiff

12 **FILE YOUR RESPONSE WITH:**

13 PIERCE COUNTY SUPERIOR COURT  
14 930 TACOMA AVENUE SOUTH  
15 TACOMA, WA 98402

16 **SERVE A COPY ON:**

17 DAN M. ALBERTSON  
18 Albertson Law Offices  
19 711 Court A, Suite 200  
20 Tacoma, Washington 98402  
21 (253) 475-2000

22  
23  
24  
25 SUMMONS ON COMPLAINT - 2

26 Dan M. Albertson  
27 Attorney at Law  
711 Court A, Suite 200  
Tacoma, Washington 98402  
(253) 475-2000

Exhibit

Page 2 of 2

## EXHIBIT 5

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR PIERCE COUNTY

June 11 2010 4:18 PM

KEVIN STOCK  
COUNTY CLERK

No. 10-2-10181-6

ORDER SETTING CASE SCHEDULE

Type of case: MSC  
Estimated Trial (days): 5  
Track Assignment: Standard  
Assignment Department: 06  
Docket Code: ORSCS

Randy Rush  
v.  
The Boeing Company

Confirmation of Service	7/9/2010
Confirmation of Joinder of Parties, Claims and Defenses	10/8/2010
Jury Demand	10/15/2010
Status Conference (Contact Court for Specific Date)	Week of 11/5/2010
Plaintiff's/Petitioner's Disclosure of Primary Witnesses	12/3/2010
Defendant's/Respondent's Disclosure of Primary Witnesses	12/31/2010
Disclosure of Rebuttal Witnesses	2/18/2011
Deadline for Filing Motion to Adjust Trial Date	3/18/2011
Discovery Cutoff	4/22/2011
Exchange of Witness and Exhibit Lists and Documentary Exhibits	5/6/2011
Deadline for Hearing Dispositive Pretrial Motions	5/13/2011
Joint Statement of Evidence	5/13/2011
Pretrial Conference (Contact Court for Specific Date)	Week of 5/27/2011
Trial	6/9/2011 9:00

**Unless otherwise instructed, ALL Attorneys/Parties shall report to the trial court at 9:00 AM on the date of trial.**

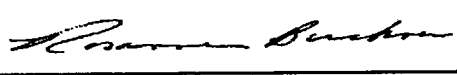
**NOTICE TO PLAINTIFF/PETITIONER**

If the case has been filed, the plaintiff shall serve a copy of the Case Schedule on the defendant(s) with the summons and complaint/petition: Provided that in those cases where service is by publication the plaintiff shall serve the Case Schedule within five (5) court days of service of the defendant's first response/appearance. If the case has not been filed, but an initial pleading is served, the Case Schedule shall be served within five (5) court days of filing. See PCLR 1.

**NOTICE TO ALL PARTIES**

All attorneys and parties shall make themselves familiar with the Pierce County Local Rules, particularly those relating to case scheduling. Compliance with the scheduling rules is mandatory and failure to comply shall result in sanctions appropriate to the violation. If a statement of arbitrability is filed, PCLR 1 does not apply while the case is in arbitration.

Dated: June 11, 2010

  
\_\_\_\_\_  
Judge ROSANNE BUCKNER  
Department 06

## EXHIBIT 6

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7 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
8 IN AND FOR THE COUNTY OF PIERCE

9 RANDY RUSH,

10 Plaintiff,

11 v.

12 THE BOEING COMPANY, a Delaware  
13 corporation,

14 Defendant.

Cause No. 10 2 10181 6

**DEFENDANT'S NOTICE OF  
APPEARANCE**

15 TO: Clerk of the Court, Pierce County Superior Court

16 AND TO: Randy Rush, Plaintiff, and Dan M. Albertson, his attorney of record

17 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that Defendant, The  
18 Boeing Company, without waiving any defense of lack of jurisdiction over the person, improper  
19 venue, insufficiency of process, or insufficiency of service of process, hereby enters its  
20 appearance in the above-entitled action by and through the undersigned attorneys and requests  
21 that notice of all further proceedings in said action, except original process, be served upon the  
22 undersigned attorneys at their address stated below:

23 James G. Zissler, WSBA #30287  
24 Ryan P. Hammond, WSBA #38888  
Littler Mendelson, P.C.  
One Union Square  
25 600 University Street, Suite 3200  
26 Seattle, WA 98101-3122

**DEFENDANTS' NOTICE OF APPEARANCE - 1**  
FIRMWIDE:96659792.1 053838.1000

LITTLER MENDELSON, P.C.  
One Union Square  
600 University Street, Suite 3200  
Seattle, WA 98101.3122  
Phone: 206.623.3300

Exhibit 6

Page 1 of 3

1 Dated: August 3, 2010  
2  
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s/ James G. Zissler

James G. Zissler, WSBA #30287

jzissler@littler.com

Ryan P. Hammond, WSBA #38888

rhammond@littler.com

LITTLER MENDELSON, P.C.

One Union Square

600 University Street, Suite 3200

Seattle, WA 98101.3122

Phone: 206.623.3300

Fax: 206.447.6965

Attorneys for Defendant

The Boeing Company

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**DEFENDANTS' NOTICE OF APPEARANCE - 2**

FIRMWIDE:96659792.1 053838.1000

LITTLER MENDELSON, P.C.

One Union Square

600 University Street, Suite 3200

Seattle, WA 98101.3122

Phone: 206.623.3300

Exhibit 6

Page 2 of 3

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on August 3, 2010, I electronically filed the foregoing with the Clerk of the  
3 Court using the LINX system which will send notification of such filing to the following:

4 N/A

5 and I hereby certify that I have mailed by United States Postal Service the document to the  
6 following non-registered participants:  
7

8 Dan M. Albertson  
9 Attorney at Law  
711 Court A, Suite 200  
Tacoma, WA 98402

10  
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13 s/ Cheryl A. Phillips

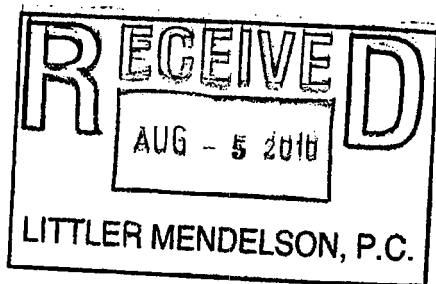
14 Cheryl A. Phillips

cphillips@littler.com

15 LITTLER MENDELSON, P.C.  
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**EXHIBIT 7**





IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF PIERCE

RANDY RUSH,

Plaintiff,

vs.

THE BOEING COMPANY,  
a Delaware corporation,

Defendant.

NO.: 10-2-10181-6

NOTICE OF UNAVAILABILITY

TO: CLERK OF THE COURT;

AND TO: Defendant's Counsel:

PLEASE TAKE NOTICE that DAN M. ALBERTSON, attorney of record for Plaintiff, will be absent from the office and unavailable for motions, conferences, depositions, and hearings from August 25, 2010 to September 15, 2010. The undersigned respectfully requests that no hearings or appearances be scheduled during this time frame.

DATED this 4th day of August, 2010.

ALBERTSON LAW OFFICES

  
DAN M. ALBERTSON, WSBA# 10962  
Attorney for Plaintiff

NOTICE OF UNAVAILABILITY - 1

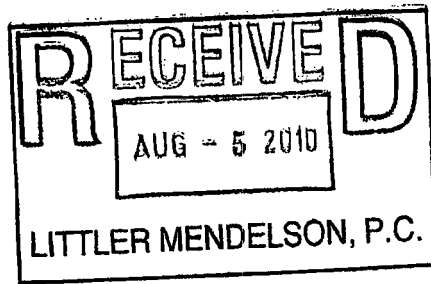
COPY

Dan M. Albertson  
Attorney at Law  
711 Court A, Suite 200  
Tacoma, Washington 98402  
(253) 475-2000

Exhibit

Page 1 of 1

## EXHIBIT 8



IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF PIERCE

RANDY RUSH,  
Plaintiff(s)

vs.

THE BOEING COMPANY, a Delaware  
corporation,  
Defendant(s)

Cause No.: 10-2-10181-6

DECLARATION OF SERVICE OF

SUMMONS, COMPLAINT, ORDER SETTING  
CASE SCHEDULE, TRACK ASSIGNMENT  
REQUEST, CASE COVER SHEET, PLAINTIFF'S  
FIRST SET OF INTERROGATORIES, AND  
REQUEST FOR PRODUCTION;

I am over the age of 18 years and I am not a party to this action.

2. The date, time and place of service were:

Date: 7/27/2010 Time: 2:21 PM

Place: CORPORATION SERVICE COMPANY; 300 DESCHUTES WAY S.W., STE 304,  
TUMWATER, WA 98501

3. I duly served the above described documents upon:

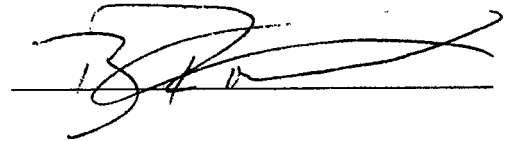
COPY

ORIGINAL

1 THE BOEING COMPANY by personally delivering one true and correct  
2 copy(ies); thereof, by presenting to and leaving the same with:  
3 Caroline Little, authorized to accept service on behalf of Corporation  
4 Service Company, the Registered Agent for the defendant corporation.  
5  
6

7 ☒ Corporate/Entity Service - The person with whom the documents were left is a  
8 person authorized by law to receive process on behalf of said person(s) or  
9 entity.  
10  
11

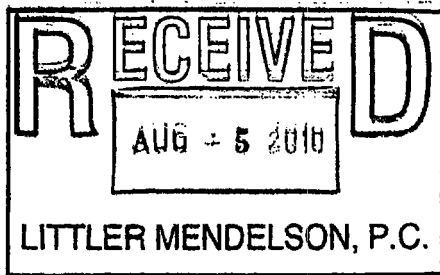
12 I declare under the penalty of perjury, under the laws of the State of  
13 Washington, that the foregoing is true and correct. Signed at Pierce County,  
14 Washington on Wednesday, July 28, 2010.  
15  
16



Roy Rutherford

Special Investigations of Washington  
PO Box 970  
Spanaway, WA 98387  
Tel: (253) 847-3848

## EXHIBIT 9



7 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

8 IN AND FOR THE COUNTY OF PIERCE

9 RANDY RUSH,

10 Plaintiff,

11 vs.

12 THE BOEING COMPANY,  
a Delaware corporation,

13 Defendant.

)  
) NO.: 10-2-10181-6  
)

) CONFIRMATION OF SERVICE  
) Docket Code: CS, CSSRV  
)

14 CS (X) All the named defendants have been served,  
15 have joined or have accepted service in  
16 writing.  
(Check if appropriate; otherwise, check the  
box below.)

17 CSSRV ( ) One or more named defendants have not yet been  
18 served.  
19 (If this box is checked, an additional  
confirmation of service must be filed pursuant  
to subsection (b) when service is obtained and  
the following information is provided.)

20 The following defendants have been served or accepted service:

21 THE BOEING COMPANY

22 The following defendants have not yet been served:

23  
24  
25 CONFIRMATION OF SERVICE  
Docket Code: CS, CSSRV - 1

COPY

26  
27 Exhibit 9  
Page 1 of 2

Dan M. Albertson  
Attorney at Law  
711 Court A, Suite 200  
Tacoma, Washington 98402  
(253) 475-2000

1 Reasons why service has not been obtained:

2  
3 How service will be obtained:

4  
5 Date by which service is expected to be obtained:

6  
7 A status conference is requested regarding:

8  
9 ALBERTSON LAW OFFICES

10 August 4, 2010  
11 Date

12   
13 DAN M. ALBERTSON, WSBA# 10962  
14 Attorney for Plaintiff

15  
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25 CONFIRMATION OF SERVICE  
26 Docket Code: CS, CSSRV - 2

27 Exhibit 9  
Page 2 of 2

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